



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 13 2006

Ms. Mimi Drew, Director
Division of Water Resource Management
Florida Department of Environmental Protection
Twin Towers Office Building
Mail Station 3500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Ms. Drew:

The Environmental Protection Agency (EPA) has completed its review, as documented in the enclosed memorandum, of Florida Statute (F.S.) 403.0882(4) and (6) titled "Discharge of Demineralization Concentrate" and revisions to Florida Administrative Code (F.A.C.) Chapter 62-4.244 titled "Mixing Zones: Surface Waters." Florida Statute (F.S.) 403.0882(4) and (6) were adopted during the 2001 Florida legislative session and became effective upon approval by the Governor on June 8, 2001. Florida Statute 403.0882(4) and (6) were submitted by FDEP to EPA for review on April 2, 2002. By letter dated November 24, 2003, EPA determined that this submittal, absent the regulations "to address facilities that discharge demineralization concentrate" required in (F.S.) 403.0882(3), was incomplete for review under Clean Water Act (CWA) § 303(c) and requested that FDEP submit to EPA the statute, the final implementing rule, and revised mixing zone policy when effective.

Subsequently, in a letter dated July 19, 2006, FDEP submitted to EPA for CWA § 303(c) review, certification of amendments to F.A.C. 62-4.244, titled "Mixing Zones: Surface Waters". These amendments were approved for adoption by the Environmental Regulation Commission on October 27, 2005, and became effective under state law on December 13, 2005. The CWA § 303(c) package submitted to EPA for review was determined to be complete by meeting the minimum requirements for water quality standards submissions provided for in 40 CFR § 131.6. EPA has reviewed all of these statutory and regulatory provisions and determined that (F.S.) 403.0882(4) and (6) and the amendments to F.A.C. 62-4 are new and/or revised water quality standards.

Provisions contained in F.S. 403.0882(4) and (6) and F.A.C. 62-4.244 were adopted to address mixing zone requirements for certain dischargers of demineralization concentrate which exhibit effluent toxicity due to an ionic imbalance. This imbalance is a direct result of the concentration of minerals in a wastewater by-product in the

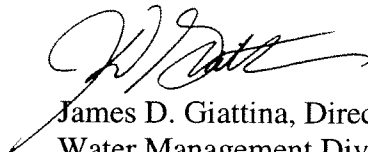
production of potable water from slightly saline groundwater or brackish surface water by ion exchange or membrane separation technologies.

EPA has determined that these provisions grant demineralization concentrate dischargers limited zones of mixing for acute toxicity due to ionic imbalance. This approach is the equivalent of allowing a "Zone of Dilution" within the defined boundaries of a Mixing Zone, while preventing lethality to passing organisms, thus still protecting the existing and designated uses of the receiving water body. Florida Statute 403.0882(4) and (6) and F.A.C. 62-4.244 are consistent with the guidance contained in *Technical Support Document For Water Quality-based Toxics Control*, the *Water Quality Standards Handbook: Second Edition*, and 40 CFR § 131.13 titled General Policies.

Based on EPA's review and analysis of the supporting documentation provided by FDEP for the new provisions contained in F.S. 403.0882(4) and (6) and the revised provisions contained in F.A.C. 62-4.244(3), it is EPA's conclusion that the requirements of the Clean Water Act and provisions of 40 CFR § 131 have been met. Therefore, based on the authorities of CWA § 303(c), EPA is approving the new provisions of F.S. 403.0882(4) and (6) and revised provisions of F.A.C. 62-4.244(3) as part of Florida's water quality standards.

If you have questions concerning this action, please do not hesitate to call me at (404) 562-9345, or Cecelia Harper, Environmental Scientist, at (404) 562-9418.

Sincerely,



James D. Giattina, Director
Water Management Division

Enclosure

cc: Jerry Brooks, FDEP
Greg Knecht, FDEP
Eric Shaw, FDEP
Stacey Cowley, FDEP
Jon Hemming, FWS
Miles Croom, NMFS